



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,699	01/08/2004	Julien Jomphe	682-B01.US	5916
7590	03/22/2006		EXAMINER	
Franz BONSANG c/o PROTECTIONS EQUINOX INT'L INC. 224-4480 Cote-de-Liesse Montreal, QC H4N 2R1 CANADA			PECHHOLD, ALEXANDRA K	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/752,699	Applicant(s) JOMPHE, JULIEN	
	Examiner Alexandra K. Pechhold	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 9, 11-20 and 25-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8, 10, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winton (US 5,468,173) in view of McConnell (US 5,980,371).**

Regarding claim 1, Winton discloses a device for reconditioning a damaged sports surface, the device comprising,

- at least one rotatably driven shaft (seen as vertical wheel drive shaft 26) having a first end and a second end, the first end being connected to a frame (seen as gantry base 45) and the second end being disposed towards the surface, the driven shaft being disposed orthogonal relative to the surface (see Fig. 2); and
- a work head (seen as the abrasive wheels 22 and their mounting structure in Fig. 2) connected to the second end and rotated relative thereto by the driven shaft so as to recondition the surface (see Fig. 6).

Winton discloses the work head having at least one surface contact wheel (seen as any of wheels 22), but fails to disclose the at least one wheel being freely and independently rotatably connected. McConnell teaches abrading discs (60) as being freely and independently rotatable on their respective axles (56) as the spindle (48) is

rotated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify at least one surface contact wheel in Winton to be freely and independently rotatably connected as taught by McConnell, since McConnell demonstrates that rotation of the vertically oriented spindle alone can provide the rotation necessary for effective abrading.

Regarding claim 2, Winton discloses the work head including at least two work head shafts (seen as wheel shafts 23 in Fig. 2) connected to the second end of the driven shaft.

Regarding claim 3, Winton discloses the work head includes three work head shafts (seen as wheel shafts 23 in Fig. 2) connected to the second end of the driven shaft.

Regarding claim 4, Winton illustrates the work head shafts as radially disposed and equidistant from each other in Fig. 2

Regarding claim 5, McConnell discloses the work head shaft including a shaft end portion (seen as outer end of axle 56) and each surface contact wheel (seen as discs 60) being freely and independently rotatably connected to the work head on the shaft end portion of one of the work head shafts, each work head shaft including at least one surface contact wheel freely and independently rotatably connected upon the shaft end thereof (see Figs. 1-4).

Regarding claim 6, Winton fails to disclose each of the work head shafts including two spaced apart surface contact wheels that are freely and independently rotatably connected to the shaft end portions. Winton illustrates only one contact wheel

Art Unit: 3671

on each shaft end portion (see Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the single contact wheel at the end of each shaft in Winton to comprise two such contact wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 7, Fig. 2 of Winton illustrates the driven shaft having a generally vertical axis of rotation and the surface contact wheels each have an axis of rotation generally orthogonal to the axis of rotation of the driven shaft.

Regarding claim 8, the surface contact wheels of Winton include a plurality of circumferentially disposed teeth (seen as the ends of the blades on wheels 22).

Regarding claim 10, Winton discloses frame (16) including a first longitudinal beam (rib 111), a second longitudinal beam (rib 111), two side beams (rails 100) and a central beam (rib 104), the side beams and the central beam being connected to the first and second longitudinal beams to define a work space therebetween (as seen in Fig. 5).

Regarding claim 21, the machine of Winton is for use on metal parts (Col 1, lines 11-17), which can be considered an artificial surface.

Regarding claims 22 and 23, the machine of Winton is capable of being used on artificial turf or clay, since the applicant merely recites "a device for reconditioning a damaged sports surface", and therefore need only be capable of performing this recitation.

Regarding claim 24, Winton discloses the limitation of the claimed recitation as

Art Unit: 3671

discussed with respect to claim 1 above, and also discloses a vehicle seen as machine (13). Winton discloses the work head having at least one surface contact wheel (seen as any of wheels 22), but fails to disclose the at least one wheel being freely and independently rotatably connected. McConnell teaches abrading discs (60) as being freely and independently rotatable on their respective axles (56) as the spindle (48) is rotated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify at least one surface contact wheel in Winton to be freely and independently rotatably connected as taught by McConnell, since McConnell demonstrates that rotation of the vertically oriented spindle alone can provide the rotation necessary for effective abrading.

Allowable Subject Matter

3. Claims 9, 11-20, and 25-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if the claim objections noted above were corrected.

Conclusion

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3671

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (571) 273-8300.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
3/18/06